154 US 524

RECORD, CASE No. 14,547.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1891.

TERM No., ~~1084.~~ 689 419

YEE AH SHEEN, APPELLANT,

vs.

THE UNITED STATES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

FILED MARCH 30, 1891.

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1 *Petition.*

In the District Court of the United States, Northern District of California.

(Picture of petitioner.)

In the Matter of YEE AH SHEEN on *Habeas Corpus.*

To the Hon. Ogden Hoffman, judge of the district court of the United States, northern district of California:

The petition of Lee Bock Fook respectfully shows—

That Yee Ah Sheen is unlawfully imprisoned, detained, confined, and restrained of his liberty by Captain Ward, master of the steamship Rio de Janeiro, in the city and county of San Francisco, State of California, northern district of California.

That the said imprisonment, detention, confinement, and restraint are illegal, and the illegality thereof consists in this, to wit:

That it is claimed by said master that said passenger is a subject of the Emperor of China and must not and cannot be allowed to land under the provisions of the act of Congress of May 6th, 1882, entitled "An act to execute certain treaty stipulations relating to Chinese," and the acts amendatory thereof and supplemental thereto.

That said passenger does not come within the restrictions of said acts, but, on the contrary, your petitioner alleges that said passenger was a resident of the United States on November 17th, 1880, and departed therefrom prior to June 6th, 1882.

That said Yee Ah Sheen is not a laborer, but is the wife of Lee Bock Fook, who is a merchant doing business in the firm of Kung Wo, at No. 639 Jackson street; that she is a citizen of the United States, 21 years of age, and was born at 838 Dupont street. Her mother's name is Lum Chow She and her father's Yee Lin Pong.

That your petitioner makes this petition on behalf of said passenger.

Wherefore your petitioner prays that a writ of *habeas corpus* may be granted, direct- to the said master, commanding him to have the body of said passenger before your honor, at a time and place therein to be specified, to do and receive what shall then and there be considered by your honor concerning him, together with the time and cause of his detention and said writ, and that he may be restored to his liberty.

Dated on the 11th day of September, 1889.

(Chinese signature:) *Petitioner.*

STATE OF CALIFORNIA,
City and County of San Francisco, Northern District of California, United States of America, } ss:

Lee Bock Fook, being duly sworn, says that he is the petitioner above named, and that he has heard read the foregoing petition and

knows the contents thereof, and that the same is true of his own knowledge, & member of firm.

(Chinese signature:)

Sworn to before me this 11th day of September, 1889.

J. S. MANLEY,
Commissioner of the Circuit Court of the United States for the Northern District of California.

2 [Endorsed:] No. —. —— court of the United States, northern district of California. *In re* —— —— on *habeas corpus.* S. S. ticket No. —. Petition for writ.

(Endorsed:) Filed September 11th, 1889. Southard Hoffman, clerk, by —— ——, deputy clerk. F. E. Stranahan, attorney for petitioner.

Let the writ of *habeas corpus* issue, pursuant to the prayer of the petition, returnable forthwith, or, in case the steamer on which said petitioner is detained has not cleared on that day, as soon as practicable after clearance, but before the departure of the steamer; and when the within-named petitioner is produced let him be admitted to bail in the sum of $1,500. And ordered that the case be referred to Hon. Ward McAllister to take proofs and report findings and judgment, as prescribed in general order of this court in like cases.

OGDEN HOFFMAN, *Judge.*

3 *Writ of Habeas Corpus.*

In the District Court of the United States, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus.* No. 8827.

The President of the United States of America to Capt. Ward, master of the steamship Rio de Janeiro, Greeting:

You are hereby commanded that you have the body of the said person by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said person shall be called or charged, before the Honorable Ogden Hoffman, judge of the district court of the United States for the northern district of California, at the court-room of said court, in the city and county of San Francisco, California, forthwith; or, in case the steamer on which said petitioner is detained has not cleared on that day, as soon as practicable after clearance, but before the departure of the steamer, to do and receive what shall then and there be considered in the premises.

And have you then and there this writ.

Witness the Honorable Ogden Hoffman, judge of the said district court, and the seal thereof, at San Francisco, in said district, on the 11th day of September, A. D. 1889.

[SEAL.] SOUTHARD HOFFMAN,
Clerk of said District Court,
By J. S. MANLEY, *Deputy Clerk.*

4 [Endorsed:] No. —. District court of the United States, northern district of California. In the matter of —— —— on *habeas corpus*. S. S. ticket No. —. Writ of *habeas corpus* and return thereto. Issued ——, 189–. Returnable ——, 189–.

Endorsed: Filed on return this 12th day of September, 1889. Southard Hoffman, clerk of said U. S. district court, by J. S. Manley, deputy clerk.

In obedience to the within writ, I hereby produce the body of Yee Ah Sheen, as within directed, and return that I hold the said person in my custody, by direction of the customs authorities of the port of San Francisco, California, under the provisions of the Chinese restriction act.

A. CHESEBOROUGH,
For Master Steamship City of Rio.

San Francisco, Sept. 11th, 1889.

5 *Marshal's Return to Writ.*

In the District Court of the United States, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus*. No. 8827.

The President of the United States of America to Capt. Ward, master of the steamship Rio de Janeiro, Greeting:

You are hereby commanded that you have the body of the said person by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said person shall be called or charged, before the Honorable Ogden Hoffman, judge of the district court of the United States for the northern district of California, at the court-room of said court, in the city and county of San Francisco, California, forthwith, or, in case the steamer on which said petitioner is detained has not cleared on that day, as soon as practicable after clearance, but before the departure of the steamer, to do and receive what shall then and there be considered in the premises.

And have you then and there this writ.

Witness the Honorable Ogden Hoffman, judge of the said district court, and the seal thereof, at San Francisco, in said district, on the 11th day of September, A. D. 1889.

[SEAL.] SOUTHARD HOFFMAN,
Clerk of said District Court,
By J. S. MANLEY, *Deputy Clerk.*

6 [Endorsed:] No. —. District court of the United States, northern district of California. In the matter of —— —— on *habeas corpus*. S. S. ticket No. —. Marshal's return of service of writ of *habeas corpus*. Issued ——, 189–. Returnable ——, 189–.

(Endorsed:) Filed on return this 11th day of September, 1889. Southard Hoffman, clerk of said U. S. district court, by —— ——, deputy clerk.

I, Southard Hoffman, clerk of the district court of the United States for the northern district of California, do hereby certify the foregoing to be a copy of the writ of *habeas corpus* issued in the within-entitled matter.

Attest my hand and seal of said district court this 11th day of September, A. D. 1889.

[SEAL.] SOUTHARD HOFFMAN, *Clerk*,
By J. S. MANLEY, *Deputy Clerk*.

I hereby certify that on the 11th day of September, 1889, I received the writ of which the within is a copy, and that on the 11th day of September, 1889, at San Francisco, in this district, I personally served the said writ by delivering to and leaving the same with Capt. Ward, master S. S. "Rio de Janeiro."

Dated San Francisco, Cal., September 12th, 1889.

J. C. FRANKS,
U. S. Marshal,
By JAMES R. DEANE,
Deputy Marshal.

7 *Intervention of U. S.*

United States District Court, Northern District of California.

In Re YEE AH SHEEN on *Habeas Corpus*. No. 8827.

To the Honorable O. Hoffman, judge:

And now comes John T. Carey, United States attorney for the northern district of California, and asks for leave to intervene for and behalf of the United States in the matter of the application made on behalf of the person first above mentioned for a writ of *habeas corpus*, and respectfully makes opposition to the said writ, and for grounds of intervention states as follows: That, as he is informed and believes, the said person in whose behalf said application was made has been and now is lawfully detained by the master of the steamship Rio de Janeiro, now in the port of San Francisco, northern district of California, in compliance with the provisions of an act of Congress of the United States entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6th, 1882, and the act amendatory thereof, approved July 5th, 1884, for the following reasons:

First. That the said person in whose behalf said application was made is by race, language, color, and dress a Chinese person, and a laborer by occupation, and has never been, previous to the filing of said application, in the United States, as the said intervenor is advised and believes.

Second. That the said person in whose behalf said application was made arrived at the port of San Francisco as a passenger on said vessel from Hong Kong, a foreign port or place in the Empire of China, and has failed to produce to the collector of customs for the port of San Francisco, California, or to any other officer author-

ized by law, the certificate of identification by said acts of Congress provided and which is furnished to the Chinese laborer departing from the United States by the custom-house officers of the port of his departure.

Third. Intervenor denies, upon information and belief, that the said person in whose behalf said application was made is entitled to land in the United States, as is alleged in said application or otherwise.

Fourth. Intervenor denies, upon information and belief, that the certificate mentioned in the application was issued to the said person in whose behalf the same was made or that he is the person named in said certificate.

Wherefore the said United States attorney asks that a judgment and order of this honorable court be made and entered in accordance with the allegations herein contained and directing that the said person first above mentioned be detained on board of said vessel until released as provided by law, or, otherwise, to be returned to the country from whence he came, and that such further order be made as to the court may seem proper and legal in the premises.

JOHN T. CAREY,
United States Attorney.

8 [Endorsed:] No. —. United States — court, northern district of California. *In re* —— —— on *habeas corpus.* Intervention of United States.
(Endorsed:) Filed Sept. 12th, 1889. Southard Hoffman, clerk. John T. Carey, U. S. attorney.

9 *Report of Referee, &c.*

In the District Court of the United States, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus.* No. 8827.

Before Ward McAllister, Jr., special referee and examiner.

Pursuant to the order of the above-named court, duly made and entered herein pursuant to the order of said court, duly made and entered on the 9th day of July, 1888, referring the above-entitled matter to the undersigned, a special referee and examiner of said court, with instructions to find the facts and his conclusions of law and to report a judgment therein, the said matter having been regularly brought on for hearing and the same having been duly heard and submitted and due consideration having been thereon had, I, the said special referee and examiner, do find as follows:

That the above-named petitioner is a Chinese laborer and a subject of the Empire of China.

That said petitioner came to the United States from China by the steamship Rio de Janeiro on the — day of ——, A. D. 1888.

And as a conclusion of law I find that said petitioner has not by

sufficient evidence established her right to re-enter and remain in the United States in accordance with the treaties and laws of the United States.

I do therefore report that, in my opinion, judgment should be entered herein—

That said petitioner was not at the date of the petition herein illegally restrained of liberty as therein alleged, and that the said petitioner be returned by the United States marshal for the northern district of California to the custody whence she was taken, to wit, on board the said steamship, to the custody of the master thereof, for the purpose of deporting her out of the United States and transporting her to the port whence she came.

Exceptions to the above report were taken by the petitioner.

WARD McALLISTER, JR.,
Special Referee and Examiner.

The above report of the special referee and examiner is confirmed and judgment is ordered to be entered in accordance therewith.

——— ———,
District Judge.

10 [Endorsed:] Remand. Exceptions by petitioner. No. —. District court of the United States, northern district of California. In the matter of ——— ——— on *habeas corpus*. Report of special referee and examiner.

(Endorsed:) Filed November 6th, 1889. Southard Hoffman, clerk U. S. district court, northern dist. of California, by J. S. Manley, deputy clerk. M. Stranahan, attorney for petitioner.

11 In the District Court of the United States in and for the Northern District of California.

The Hon. Ward McAllister, Jr., commissioner.

In the Matter of the *Habeas Corpus* of YEE AH SHEEN. No. 8827.

Testimony (*Yee Ah Sheen*).

TUESDAY, *October* 16*th*, 1889.

YEE AH SHEEN, the petitioner, sworn.

Mr. WELLER:

Q. Where were you born?
A. Born in San Francisco.
Q. What street?
A. I was born over Wing Fat Chung, Dupont street, this city.
Q. How old are you?
A. 21.
Q. Are you married?
A. Yes, sir.
Q. When did you go to China?

A. Kwong Suey 7th year, 9th month, 18th day—November 8th, 1881.
Q. By what steamer?
A. The Belgic.
Q. Who did you go with?
A. I went with my mother and father.
Q. What is your father's name and what company does he belong to?
A. His name is Yee Nin Pong and belongs to the Hop Wah Co.
Q. Where is he now?
A. In China.
Q. Where is your mother?
A. In China.
Q. Where is your husband?
A. In this city.
Q. When were you married?
12 A. Kwong Sue 12th year, 3rd month, 3rd day—April 13th, 1886.
Q. How old were you when you went to China?
A. Thirteen.
Q. Have you any relatives in this country?
A. No, sir.
Q. Have you any brothers or sisters?
A. No, sir.
Q. When did your husband return to this country from China?
A. Last year, 4th month.
Q. Why did you not come with him?
A. My mother was sick, so I had to remain and take care of her.
The COMMISSIONER: What is your husband's name?
A. Lee Bock Fook.
Q. Is he in this room?
A. Yes, sir; over there (pointing).
Q. Where did you first meet him?
A. I knew him at my father's store.
Q. In China or here?
A. In this city.
Q. How old was he when you first met him?
A. About 8 or 9 years.
Q. Were you 8 or 9 years or your husband was 8 or 9 years?
A. Myself.
Q. Were you born upstairs or down-stairs in this house?
A. I was born on the third floor of that building.
Q. Did the room look out in the street or back of the house?
A. Back of the house.
Q. Have you any relations here in San Francisco?
A. No, sir.
Q. Where is your mother?
A. My mother is in China?
Q. Where is your father?
A. They both are in China.

Q. How long ago did you marry your husband?
A. About three years ago.
Q. Why did you not come back again?
13 A. When my husband came back to this country my mother was very sick, so I had to stay there and take care of her.
Q. What was the matter with her?
A. She was sick to the stomach.
Q. You were married three years ago?
A. Yes, sir.
Q. When did your husband come back to this country? About how long ago?
A. Last year, first month.
Q. Do you know what steamer he came by?
A. I do not remember.

(Here the husband of the petitioner retired from the court-room.)

Q. How old is your husband?
A. 37 years.
Q. When did you first meet your husband?
A. When I was a little girl.
Q. What did your husband do?
A. Keep store.
Q. Whereabouts?
A. He was a partner with my father.
Q. Is your father in China now?
A. Yes, sir.
Q. When did he go to China—do you remember?
A. Kwong Sue 7th year, 9th month, 18th day—November 8th, 1881.
Q. (To Interpreter Vrooman.) Do you find her father's name in the Hop Wah's Company book as having departed on that date?
Interpreter VROOMAN: Yes, sir; and on the same steamer.

The COMMISSIONER:

Q. Did you go with your father?
A. Yes, sir.
Q. How old were you then?
A. I was 13 years old.

The COMMISSIONER: The certified copy of the record of Consul Bee shows that there were no departures of women on that steamer, and that seven were landed.
Mr. STRANAHAN: We object to the record.

The COMMISSIONER:

Q. Did any other women go home on the steamer?
A. I do not remember.
14 Q. Do you not remember whether there were any other women on that steamer?
A. I do not remember.

Q. Do you not remember whether there were any other women on that steamer or not? Did not your mother go with you?
A. Yes, sir.
Q. Were there any other women besides your mother and yourself on that steamer?
A. Yes, sir; some women, but I do not remember how many.
Q. Was there one or two?
A. Between three and seven.
Q. Were there any children?
A. Some women had no children. The smallest was myself.
Q. Do you mean that there were no children on that steamer or do you mean that you were the youngest? Did you see any other children on that steamer?
A. I was the only child on the steamer.
Q. Do you mean you were the youngest child on board?
A. Yes, sir.
Q. Do you know whether you had a full ticket or half ticket when you went to China?
A. A half ticket.

LEE BOCK FOOK, called for the petitioner, sworn:

THE COMMISSIONER: Where do you live?
A. 800 Washington street.
Q. Is this woman your wife (pointing to the petitioner)?
A. Yes, sir.
Q. When did you marry her?
A. I married her Kwong Sue 12th year, 3rd month, 3rd day.
Q. Whereabouts?
A. In Canton City, China.
Q. How old are you?
A. 37.
Q. Why did you not bring your wife back with you?
A. At the time I came her mother was sick, so she had to
15 stay home and attend her.
Q. How long have you lived in California?
A. Between 16 or 17 years.
Q. Do you remember your wife when she was a little girl?
A. Yes, sir; I remember when she came to our store to call her father to come home.
Q. Was her father your partner?
A. Yes, sir.
Q. Have you any other wife?
A. No, sir; only this one.
Q. Have you any children by this woman?
A. No, sir.
Q. How long have you been married to her?
A. About three years.

Testimony (Yee Bew Jow).

YEE BEW JOW, called for the petitioner, sworn.

Mr. STRANAHAN:

Q. Where do you live?
A. 800 Washington street.
Q. Are you a partner of Lee Bock Fook, this woman's husband, or not?
A. Yes, sir.
Q. You are partners and were so at the time this girl went to China with her father?
A. Yes, sir.
Q. Who bought the tickets for them?
A. I bought the tickets.
Q. Have you any account showing the transaction?
A. Yes, sir.
Q. Produce and read it.

(Witness produced a book and handed it to the interpreter, Loui Mong.)

The interpreter, Loui Mong (reading): Yee Nin Pong deposited $530 Kwong Sue 7th year, 9th month, 18th day; steamer Belgic; purchased ticket for him, $53; pay his Hop Wah Company's dues, $8; purchased ticket for Jew Chee, $53; purchased ticket for Yee Ah Sheen, one-half ticket, $26.50. He paid their carriage,
16 $4.00. He drew altogether $144.50, leaving a balance of $385.50. Returned to him the same day.

Mr. WELLER: How long have you been in this country?
A. Over 20 years.
Q. Were you a partner of her father's when she was born?
A. She was about two years old when I became a partner with her father.
Q. Did you see her around the store?
A. Yes, sir; sometimes she came to call her father.
Q. Are you quite sure that it is the same girl?
A. Yes, sir.
Q. Has her father still an interest in that firm?
A. Yes, sir.
Mr. STRANAHAN: That is the case.
The COMMISSIONER: Do you know the husband of this woman?
A. Yes, sir.
Q. Is he a partner with you?
A. Yes, sir.
Q. How long has he been a partner with you—this woman's husband?
A. About 15 years ago.
Q. Whereabouts was this woman born—do you know?
A. San Francisco.
Q. Whereabouts?

A. She was born over Wing Fat Chung's, Dupont street.
Q. Do you know what part of the house she was born in?
A. Back of the building.
Q. How many flights up?
A. About three stories.
Q. How old is her husband?
A. 37.
Q. Where was he born?
A. In China.
Q. Why did he not bring his wife back with him when he came from China?
A. He told me—I asked him why he did not bring his wife. He said his wife's mother was sick and he left her there to attend to her mother, and he sent her a letter to come this time.
Q. Did you know the father and mother of this woman?
A. Yes, sir.
17 Q. Are they in China now?
A. Yes, sir.
Q. Have they any other children?
A. No, sir.
Q. When they went to China who went—the mother, father, and this little child?
A. Yes, sir.
Q. Did you go down to the steamer with them?
A. No, sir.
Q. Did you go down yourself?
A. No, sir; I did not go down.
Q. Do you know whether any other women or children went back by that steamer?
A. I do not know that.
Q. About how old is this girl—do you know?
A. About 21.

The COMMISSIONER: I think you had better introduce in this case the record of the O. & O. Steamship Company to show whether there were any half tickets sold on that date.
Mr. STRANAHAN: I will try to have it here to-morrow.

Testimony (S. Silverstone).

THURSDAY, *October* 18*th*, 1889.

S. SILVERSTONE, called for the petitioner, sworn.

The COMMISSIONER:

Q. Is that the way-bill that you have there?
A. That is the passenger list of the steamer Belgic.
Q. Of November 8th, 1881?
A. Yes, sir.
Q. Does that show that any half tickets were sold?
A. No half tickets. A child went free, evidently, under three years of age.

Q. Any quarters?
A. No quarters.
Q. Any free?
A. That infant was free. I presume it is an infant, because it is under two years of age.
Q. Can you tell from that passenger list whether any women departed by that steamer or not?
A. No, sir.
Q. That is absolutely correct?
A. Yes, sir.

Mr. WELLER: You never know whether any women go
18 except once in awhile they may get a steerage state-room?

A. Yes, sir; and something special, and then we inquire into it; otherwise it says so many sailed. At that age we would not sell a half ticket.
Q. Why?
A. Over 12 years it is full fare.

The COMMISSIONER: In this case the petitioner is remanded. She testified that she was 13 years of age when she went home, and the merchant who bought the ticket produced a book which shows that he purchased a ticket for Yee Ah Sheen, a half ticket, for $26.50. The records of the O. & O. Steamship Company, produced by Mr. Silverstone, show that there was no half tickets sold on that steamer. The judgment is that the testimony of the petitioner is false, and she is therefore remended.

Mr. STRANAHAN: I take an exception.

Endorsed: Filed November 6th, 1890. Southard Hoffman, clerk, by J. S. Manley, deputy clerk.

19 *Exceptions to Report of Referee.*

In the U. S. District Court, Northern District of California.

In Re YEE AH SHEEN on *Habeas Corpus.* No. 8827.

The said Yee Ah Sheen hereby excepts to the report of the Hon. Ward McAllister, Jr., the commissioner to whom the above matter was referred, recommending the remand of the said Yee Ah Sheen, on the grounds—

1. That the said report is against law.
2. That said report is against the evidence.
3. Errors in the ruling of said commissioner on questions of law arising during the course of said hearing and excepted to by said petitioner.

F. E. STRANAHAN,
Att'y for Pet'n'r.

Nov. 11th, 1889.

Endorsed: Filed Nov. 11th, 1889. Southard Hoffman, clerk.

20 At a stated term of the district court of the United States of America in and for the northern district of California held at the court-room, in the city of San Francisco, on Thursday, the 26th day of September, in the year of our Lord one thousand eight hundred and ninety.

Present: The Honorable Ogden Hoffman, judge.

Order for Hearing, &c.

In Re YEE AH SHEEN on *Habeas Corpus.* No. 8827.

In this matter, on motion of Geo. W. Schell, Esq., on behalf of the United States, it is ordered that the hearing on the exceptions to the report of the referee herein do now proceed; and F. E. Stranahan, Esqr., attorney for the petitioner, declining to argue said exceptions or make any suggestions to the court, on motion of Mr. Schell it is ordered that said exceptions be, and the same are hereby, overruled; and further ordered that the report of the referee be, and the same is hereby, confirmed; and further ordered that Yee Ah Sheen be, and she is hereby, remanded; and the said Yee Ah Sheen being present in open court, on motion of Mr. Schell it is ordered that she be taken into custody by the United States marshal, there to remain until the other or further order of the court.

21 *Order of Remand.*

In the District Court of the United States, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus.* No. 8827.

This matter having been regularly brought on for hearing before the court and the judge thereof upon the issues joined herein, the United States attorney having appeared and intervened on behalf of the United States, and the same having been duly heard and submitted and due consideration thereon had, it is by the court and the judge thereof now here ordered and adjudged—

That Yee Ah Sheen, in whose behalf the writ of *habeas corpus* herein was sued out, was not at the date of the petition herein illegally restrained of her liberty, as therein alleged.

It is further adjudged and found that she came from China by the steamship Rio de Janeiro and is a Chinese person forbidden by law to land within the United States and has no right to be or remain therein.

It is therefore ordered that the said Yee Ah Sheen be remanded by the United States marshal for the northern district of California to the custody whence she was taken, to wit, on board the steamship Rio de Janeiro, to the custody of the master of said steamship Rio de Janeiro, or in case of a change of master to the custody of the master thereof, whoever he may be, at the time of this order of remand, or to place the said Yee Ah Sheen in the hands and charge

of any party on board said steamship for the time being representing the master or then in charge of said steamship in the absence of the master or for the time being exercising control or authority thereon; this order to be executed as to said steamship, whether still in port, not having departed therefrom, or having departed and returned since the proceedings herein were instituted; and in case said steamship has departed and not returned or for any other reason the said Yee Ah Sheen cannot be placed on said steamship that the said marshal place her upon any other vessel available for the purpose, paying the necessary passage-money, for the purpose of deporting her out of the United States and transporting her to the port of Hong Kong, whence she came; and for the purpose of carrying this order into effect it is further ordered that the said marshal take the said Yee Ah Sheen into custody and her safely keep till said order shall be fully executed.

Entered this 25th day of September, 1890.

OGDEN HOFFMAN, *Judge.*

22 [Endorsed:] No. —. United States district court, northern district of California. *In re* —— —— on *habeas corpus.* Order of remand.

Endorsed: Filed September 25, 1890. Southard Hoffman, clerk U. S. district court, by J. S. Manley, deputy clerk.

23 *Substitution of Attorney.*

District Court of the United States, Northern District of California.

In Re YEE AH SHEEN on *Habeas Corpus.* 8827.

I hereby substitute Jas. F. Smith, Esq., as attorney for said Yee Ah Sheen in the above matter in my place and stead.

F. E. STRANAHAN.

Sept. 26th, 1890.

(Endorsed:) Filed Sep. 26, 1890. Southerd Hoffman, clerk, by J. S. Manley, deputy clerk.

24 *Notice of Appeal.*

In the District Court of the United States, Northern District of California.

In the Matter of the *Habeas Corpus* of YEE AH SHEEN.

You will please take notice that the above-named Yee Ah Sheen hereby appeals to the circuit court of the United States in and for the ninth judicial circuit, northern district of California, from the judgment and order of remand entered in the above-entitled matter made and entered in and by the district court of the United States,

northern district of California, on the 25th day of September, A. D. 1890, and from the whole thereof.

Dated September 26th, 1890.

JAS. F. SMITH.

To the clerk of said district court and to the United States district attorney.

(Endorsed:) Service of the within named admitted by copy this 26 day of Sept., 1890. John T. Carey, U. S. dist. att'y. Filed Sep. 26, 1890. Southard Hoffman, clerk, by J. S. Manley, deputy clerk.

25 At a stated term of the district court of the United States of America for the northern district of California held at the court-room, in the city of San Francisco, on Friday, the 26th day of September, in the year of our Lord one thousand eight hundred and ninety.

Present: The Honorable Ogden Hoffman, judge.

Order Fixing Bond on Appeal.

In Re YEE AH SHEEN on *Habeas Corpus.* No. 8827.

In this matter, on motion of the attorney for the petitioner, it is by the court ordered that the bond on appeal to the United States circuit court, northern district of California, be, and the same is hereby, fixed in the sum of $2,500.00.

26 *Dismissal of Appeal.*

In the District Court of the United States, Northern District of California.

In Re YEE AH SHEEN on *Habeas Corpus.* No. 8827.

The appeal heretofore taken in the above-entitled matter is hereby withdrawn and the same dismissed.

J. F. SMITH,
Att'y for Appellant.

(Endorsed:) Filed Sept. 27th, 1890. Southard Hoffman, clerk, by J. S. Manley, deputy clerk.

27 *Substitution of Attorney.*

In the District Court of the United States, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus.* No. 8827.

I hereby substitute A. P. Van Duzer as the attorney in the above-entitled matter in my place and stead.

Dated September 29th, 1890.

JAMES F. SMITH,
Attorney for Petitioner.

(Endorsed:) Filed September 29th, 1890. Southard Hoffman, clerk, by J. S. Manley, deputy clerk.

28 *Notice of Appeal.*

In the United States District Court, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus.* No. 8827.

You will please take notice that the above-named Yee Ah Sheen hereby appeals to the circuit court of the United States in and for the ninth judicial circuit, northern district of California, from the final judgment and order of remand and dismissal of said writ of *habeas corpus* made and entered in the above-entitled cause by the said district court of the United States, northern district of California, on the 25th day of September, A. D. 1890.

And that said appeal is hereby taken in question of both law and fact, and that grounds of said appeal are that said district court erred in applying the law to the facts in said cause, and also erred in its rulings as to the testimony offered in said cause.

A. P. VAN DUZER,
Attorney for P'l'r & Appellant, Yee Ah Sheen.

To Southard Hoffman, clerk of said U. S. district court, and John T. Carey, U. S. att'y, and G. W. Schell, Esq., spec. U. S. att'y, S. F.

(Endorsed:) Service by copy admitted this 29th September, 1890. Geo. W. Schell, special ass't U. S. att'y. Filed Sep. 29, 1890. Southard Hoffman, clerk, by J. S. Manley, deputy clerk.

29 At a stated term of the district court of the United States of America for the northern district of California held at the court-room, in the city of San Francisco, on Tuesday, the 30th day of September, in the year of our Lord one thousand eight hundred and ninety.

Present: The Honorable Ogden Hoffman, judge.

Order Staying Execution of Remand.

In Re YEE AH SHEEN on *Habeas Corpus.* No. 8827.

In this matter, on motion of A. P. Van Duzer, Esqr., attorney for the petitioner, Geo. W. Schell, Esqr., being present on behalf of the United States, and it appearing that a notice of appeal has been filed herein, it is ordered that the execution of the remand issued herein be, and the same is hereby, stayed until the other or further order of the court.

30 *Clerk's Certificate.*

UNITED STATES OF AMERICA,
Northern District of California, City and County of San Francisco, } ss:

I, Southard Hoffman, clerk of the district court of the United States for the northern district of California, do hereby certify the

foregoing and hereunto annexed twenty-seven (27) pages, numbered from one (1) to twenty-seven (27), respectively, constitute the transcript on appeal from said district court to the circuit court of the United States for the ninth circuit and northern district of California in the matter of Yee Ah Sheen, No. 8827, on *habeas corpus*.

In witness whereof I have hereunto set my hand and [SEAL.] affixed the seal of said court, at San Francisco, in said district, this 8th day of October, 1890.

SOUTHARD HOFFMAN,
Clerk U. S. District Court, Northern District of California,
By —— ——, *Deputy Clerk.*

Endorsed: Transcript on appeal. Filed October 9, 1890. L. S. B. Sawyer, clerk.

31 *Judgment of Remand.*

In the Circuit Court of the United States, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus*. No. 11021.

This matter having been regularly brought on for hearing before the court and the judge thereof upon appeal from the U. S. district court for this district, the United States attorney having appeared and intervened on behalf of the United States, and the same having been duly heard and submitted and due consideration thereon had, it is by the court now here considered—

That Yee Ah Sheen, in whose behalf the writ of *habeas corpus* herein was sued out, was not at the date of the petition herein illegally restrained of her liberty as therein alleged.

It is further adjudged and found that she came from China by the steamship Rio de Janeiro and is a Chinese person forbidden by law to land within the United States and has no right to be or remain therein.

It is therefore ordered that the said Yee Ah Sheen be remanded by the United States marshal for the northern district of California to the custody whence she was taken, to wit, on board the said steamship, to the custody of the master of said steamship, or, in case of a change of master, to the custody of the master thereof, whoever he may be at the time of this order of remand, or to place her in the hands and charge of any party on board said steamship for the time being representing the master or then in charge of said steamship in the absence of the master, or for the time being exercising control or authority thereon; this order to be executed as to said steamship whether still in port, not having departed therefrom, or having departed and returned since the proceedings herein were instituted; and in case said steamship has departed and not returned, or for any other reason the said Yee Ah Sheen cannot be placed on said steamship, that the said marshal place her upon any other vessel available for the purpose, paying the necessary passage-money, for the purpose of deporting her out of the United States and trans-

porting her to the port whence she came; and, for the purpose of carrying this order into effect, it is further ordered that the said marshal take the said Yee Ah Sheen into custody and her safely keep till said order shall be fully executed.

Entered this 15th day of December, 1890.

L. S. B. SAWYER, *Clerk.*

32 I, L. S. B. Sawyer, clerk of the circuit court of the United States for the northern district of California, do hereby certify the foregoing to be a full, true, and correct copy of an original judgment of remand entered in said court in the within-entitled matter.

Attest my hand and seal of said circuit court this 15th day of December, A. D. 1890.

[SEAL.] L. S. B. SAWYER, *Clerk,*
By —— ——, *Deputy Clerk.*

Endorsed: No. 11021. United States circuit court for the northern district of California. *In re* Yee Ah Sheen on *habeas corpus.* Certified copy judgment of remand. Filed December 15, 1890. L. S. B. Sawyer, clerk, by —— ——, deputy clerk. Entered in Judgment Register No. 9, p. 309.

33 *Clerk's Certificate to Judgment-Roll.*

I, L. S. B. Sawyer, clerk of the circuit court of the United States for the ninth judicial circuit, northern district of California, do hereby certify that the foregoing papers hereto annexed constitute the judgment-roll in the therein-entitled matter.

Attest my hand and seal of said circuit court this 15th day of December, 1890.

[SEAL.] L. S. B. SAWYER, *Clerk,*
By F. D. MONCKTON,
Deputy Clerk.

Endorsed: Judgment-roll. Filed December 15, 1890. L. S. B. Sawyer, clerk, by F. D. Monckton, deputy clerk.

34 At a stated term, to wit, the November term, A. D. 1890, of the circuit court of the United States of America of the ninth judicial circuit in and for the northern district of California, held at the court-room, in the city and county of San Francisco, on Wednesday, the 24th day of December, in the year of our Lord one thousand eight hundred and ninety.

Present: The Honorable Thomas P. Hawley, U. S. district judge for the district of Nevada.

Order Allowing Appeal.

In the Matter of YEE AH SHEEN on *Habeas Corpus.* No. 11021.

On motion of A. P. Van Duzer, Esq., attorney for petitioner, it is ordered that an appeal to the Supreme Court of the United States

from the judgment heretofore entered herein be, and the same hereby is, allowed, and that a certified transcript of the record and of all proceedings herein be forthwith transmitted to said Supreme Court of the United States. It is further ordered that the amount of the bond for costs be, and the same is, fixed at three hundred dollars.

35 *Bond on Appeal.*

In the Circuit Court of the United States of America of the Ninth Judicial Circuit in and for the Northern District of California.

In Re YEE AH SHEEN on *Habeas Corpus.* No. 11021.

Bond on appeal (for costs).

Know all men by these presents that I, Yee Ah Sheen, as principal, and Wah Kee, of No. 800 Washington St., and Lee Gim, No. 65 Spafford alley, as sureties, are held and firmly bound unto the United States of America, the intervenor in the above-entitled matter, in the sum of three hundred dollars, lawful money of the United States of America, to be paid to the United States of America, its executors, administrators or assigns; for which payment, well and truly to to be made, we bind ourselves and each of us, jointly and severally, and our and each of our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals and dated the 7th day of March, one thousand eight hundred and ninety-one.

Whereas the petitioner herein, Yee Ah Sheen, has taken an appeal to the Supreme Court of the United States to reverse the final decision and judgment rendered and ordered in the above-entitled matter by the above-named circuit court:

Now, therefore, the condition of the above obligation is such
36 that if the said Yee Ah Sheen shall prosecute her said appeal to effect and answer all costs if she shall fail to make her plea good, then this obligation to be void; otherwise to remain in full force and virtue.

WAH (Chinese sig.) KEE.
YEE GIM.

Acknowledged and signed, sealed, and delivered in the presence of—

F. D. MONCKTON,
Commissioner U. S. Circuit Court,
Northern District of California.

UNITED STATES OF AMERICA,
Northern District of California, City and County of San Francisco, } *ss:*

Wah Kee and Yee Gim, the sureties to the foregoing bond, being first duly sworn, depose and say, each for himself, that he is a householder in said city and county of San Francisco; that he is worth

the sum of three hundred dollars over and above all his debts and liabilities and property exempt from execution.

WAH (Chinese sig.) KEE.
YEE GIM.

Subscribed and sworn to before me this 7 day of March, 1891.

F. D. MONCKTON,
Commissioner U. S. Circuit Court,
Northern District of California.

37 The form of the within bond and the sufficiency of the sureties thereon are hereby approved.

WILLIS G. WITTER,
Ass't U. S. Att'y.

I hereby certify that I personally know each of the persons named in and who signed the within bond as sureties; that the name therein set forth and signed by him is the name by which he is generally known; that he is connected with the firm therein named as therein stated, and that I believe him to be amply worth the penalty thereof, exclusive of property exempt from execution and over and above all his just debts and liabilities.

STONEHILL & WHALEY,
Attorneys for Petitioner.

Approved:
HAWLEY, *Judge.*

Endorsed: Filed March 9, 1891. L. S. B. Sawyer, clerk.

38 In the Circuit Court of the United States, Ninth Judicial Circuit, Northern District of California.

In the Matter of YEE AH SHEEN on *Habeas Corpus.* No. 11021.

I, L. S. B. Sawyer, clerk of the circuit court of the United States of America of the ninth judicial circuit in and for the northern district of California, do hereby certify that the foregoing thirty-seven written and printed pages, numbered from 1 to 37, inclusive, are a full, true, and correct copy of the record and of all the proceedings in the above-entitled matter, and that the same together constitute the transcript on appeal to the Supreme Court of the United States.

Seal U. S. Circuit Court, Northern Dist. Cal.

In testimony whereof I have hereunto set my hand and affixed the seal of said circuit court this 19th day of March, A. D. 1891.

L. S. B. SAWYER,
Clerk U. S. Circuit Court, Northern District of California.

39 UNITED STATES OF AMERICA, *ss:*

To the United States of America and Charles A. Garter, United States attorney for the northern district of California, Greeting:

You are hereby cited and admonished to be and appear at the

Supreme Court of the United States, to be held at the city of Washington, in the District of Columbia, on the ninth day of May, A. D. 1891, pursuant to an order allowing an appeal to the Supreme Court of the United States from the judgement of remand entered in the matter entitled "*In re* Yee Ah Sheen," No. 11021, by the U. S. circuit court of the ninth circuit, northern district of California, to show cause, if any there be, why the judgment in the said matter mentioned should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness the Honorable Thos. P. Hawley, judge of the district of Nevada, assigned to hold and holding United States circuit court for the northern district of California, this ninth day of March, A. D. 1891, and of the Independence of the United States the one hundred and — (115th).

THOMAS P HAWLEY, *U. S. Judge.*

40

[Endorsed:] R. 11021. In the Supreme Court of the United States. *In re* Yee Ah Sheen, *habeas corpus.* Citation. Service of the within citation admitted this 9th day of March, 1891. W. G. Witter, as't U. S. attorney. A. P. Van Duzer, attorney for petitioner. Stonehill & Whaley, of counsel. Filed March 9, 1891. L. S. B. Sawyer, clerk cir. court U. S., by F. D. Monckton, deputy clerk.

Endorsed on cover: Case No. 14,547. N. California C. C. U. S. No. 1084. Yee Ah Sheen, appellant, *vs.* The United States. Filed March 30, 1891.

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